

REMARKS/ARGUMENTS:

Entry of the above amendments, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. Claims 1, 3, 10, and 13 have been canceled. Claims 2, 4-9, 11, 12, and 14-16 remain in the application. In this Response, claims 9 and 12 have been amended. Claims 2, 4-8, 11, and 14-16 remain in their original form.

No new matter has been introduced through any of these claim amendments.

A. Interview Summary

Applicant would like to thank Examiner Truong for the telephone interview that was held on August 30, 2007. A summary of the interview is as follows:

Examiner Truong placed a telephone call to Attorney for Applicant on August 30, 2007 and proposed claim amendments to advance the case to allowance. Specifically, Examiner Truong proposed amending independent claims 2, 9, and 12 by incorporating the limitations of dependent claims 3, 10, and 13 respectively. After some discussion, Attorney for Applicant agreed to this amendment, which would be accomplished by an Examiner's Amendment. Attorney for Applicant then drafted the proposed amendments to claims 2, 9, and 12 and faxed them to Examiner Truong on August 30, 2007.

B. Notice of Allowability

Attorney for Applicant received the Notice of Allowability and the Examiner's Amendment which were mailed on September 6, 2007. Upon review of the Examiner's Amendment, Applicant has discovered two errors, one in claim 9, and the other in claim 12.

In claim 9, in paragraph (b1), the number "10" inadvertently appears between the words "data" and "structures" which does not appear in claim 9 as originally drafted (Response to Office Action mailed on June 20, 2007) and does not appear in the proposed claim amendment faxed to Examiner Truong on August 30, 2007. The amendment submitted herewith to claim 9 deletes the number "10" from the claim.

In claim 12, in the first paragraph after the claim preamble, the words “selecting randomly” should instead be “selected.” This portion of claim 12 is derived from cancelled claim 13 and is consistent with the proposed amendment to claim 12 that was faxed to the examiner on August 30, 2007. The amendment submitted herewith to claim 12 deletes the words “selecting randomly” and replaces them with the word “selected.”

C. Allowable Subject Matter

Attorney for Applicant acknowledges the allowance of claims 2, 4-9, 11, 12, and 14-16 by the Examiner with appreciation. Attorney for Applicant agrees with the Examiner’s Statement of Reasons for Allowance to the extent that the claims of the present invention are patentable over the references in the record. Attorney for Applicant expressly traverses the Examiner’s Statement of Reasons for Allowance to the extent that any comment is intended or has the effect of limiting a claim scope, explicitly or implicitly, by not reciting verbatim the respective claim language, or is intended or has the effect of limiting a claim scope by stating or implying that all the reasons for patentability are in any way fully enumerated.

Attorney for Applicant further points out that the reasons for allowance set forth by the Examiner are not the only reasons that claims 2, 4-9, 11, 12, and 14-16 are allowable. Further reasons for allowance of the claims beyond those enumerated by the Examiner are described and set forth in the specification. In addition, structures that perform substantially the same function in substantially the same way to achieve the same results are included within the scope of the claims.

Finally, as the Examiner’s reasons for allowance are not exhaustive, such reasons for allowance do not establish an estoppel against Attorney for Applicant seeking and obtaining allowance of additional, broader claims in a continuation application, which Attorney for Applicant reserves the right to file.

CONCLUSION:

This Amendment fully responds to the Notice of Allowability mailed on September 6, 2007. Thus, a bona-fide attempt has been made to ensure that the application meets all statutory requirements and is in condition for allowance. The Examiner's early indication to that effect is, therefore, courteously solicited. If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

Applicant does not believe that any fees are due with this response. If this is not the case, please charge all required fees, or fees under 37 C.F.R. 1.17, or all required extension of time fees due, or credit any overpayment to, deposit account 13-2725. Please consider this a Petition For Extension Of Time for a sufficient number of months to enter this correspondence, or any future reply, if appropriate, for an extension of time for its timely submission.

Respectfully submitted,

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